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| 10/659,716      | 09/11/2003  | Scott Sutherland     | 109136.126US1       | 4767             |

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EXAMINER

BOEHLER, ANNE MARIE M

ART UNIT PAPER NUMBER

3611

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/659,716

Applicant(s)

SUTHERLAND, SCOTT

Examiner

Anne Marie M. Boehler

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 19-23 is/are rejected.
- 7) ☒ Claim(s) 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/21/04 and 6/17/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3, "the backside" lacks clear antecedent basis in the claims.

In claim 5, lines 1-2, "in particular" is indefinite and "the front end" lacks clear antecedent basis in the claims. In line 3, "the area" and "the frame elements" lack clear antecedent basis in the claims.

In claim 6, line 2, "like" is indefinite.

In claim 7, it is not clear what applicant means by "the bracket element can be pivoted in an essentially vertical plane substantially transversely to the backside of the frame". The bracket lies in a horizontal plane and pivots about a transverse horizontal axis. It could be pivoted into a vertical plane, but then it would no longer be in an operative position in which it pushes out the sidewalls of the trailer.

In claim 11, line 3, "the free ends" lack clear antecedent basis and it is not clear what element they are a part of (it appears they are the front ends of the bracket elements

In claim 12, line 2, "the bracket" lacks clear antecedent basis in the claims. In line 2, it is not clear to what "its" refers.

In claim 13, line 1, "the bracket" should be -the bracket element- and "the top" lacks clear antecedent basis. In line 2, "-like" is indefinite.

In claim 14, "the side walls", "the rear wall", "the bracket" and "the floor" lack clear antecedent basis in the claim. In line 2, "consist of at least" is indefinite. The phrase "consist of" is a closed term while "at least" is an open term. Therefore, it is not clear if applicant means to claim only one fabric panel or possibly more.

In claim 16, it is not clear what applicant means by "the tensile forces". This is not specifically discussed in applicant's detailed disclosure.

In claim 20, "the side bars" lack clear antecedent basis in the claims. Also, recitation of the swivel axis of the side bars being aligned with the swivel axis of the bracket element is inconsistent with applicant's detailed disclosure. On page 11, lines 14-15, applicant indicates that the pivot axes are parallel, not aligned. The figure also shows the pivot axis of the side bars being behind the pivot axis of the bracket.

In claim 21, line 3, it is not clear to what "which" refers.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the stop for locking the backrest" (claim 19) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Claim 15 is objected to because of the following informalities: In line 2 "stabilizes" should be –stabilizes-. Appropriate correction is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 7-12, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen (PGPub 2002/00746764).

Allen shows a bicycle trailer with a compartment for a child and a frame. The trailer shows a frame a bracket 18, 22, attached at its rear end and extending forward at an elevation that appears to generally correspond to the should area of the passenger. The bracket generally stabilizes the seat compartment and pushes out sides of a covering the extends over the frame while in use.

6. Claims 1, 2, 7, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bell (USPN 5,921,571).

Bell shows a bicycle trailer with a frame having a bracket 40, 52 mounted to the rear frame and extending forward at 38. The bracket acts on the rear frame at approximately shoulder level of the passenger. An enclosure is stretched around the frame. The bracket is locked in place at its front end.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable Allen in view of Mitzman (USPN 6,357,784).

Allen lacks a disc at the front end of the bracket.

Mitzman shows a bracket 25 with discs at its front ends where they pivotally connect to the frames.

It would have been obvious to one of ordinary skill in the art to provide a disc at the front end of the bracket, as taught by Mitzman, in order to provide a secure lockable pivotal connection to the frame.

9. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell (USPN 5,921,571) in view of Lauro (USPN 5,388,853)

Bell lacks a bag extending from the bracket.

Lauro shows a child carrier with a bracket 20 extending forward from the rear frame and forming the upper opening for a bag (seen in Figure 1).

It would have been obvious to one of ordinary skill in the art to provide the Bell bracket with a bag, as taught by Lauro, in order to provide additional storage space for the carrier.

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Hutchinson (D382,516).

Allen lacks a partition between the seats for the two-passenger seat.

Hutchinson shows a child carrier with a partition between seat of a two passenger seat.

It would have been obvious to one of ordinary skill in the art to provide the Allen seat with a partition between the seats, as taught by Hutchinson, in order to provide better comfort for the passengers.

11. Claims 16-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Huang, Chen, Sudakoff, Leon, Cabagnero, and Lahti show braced child carriages.

Garforth shows a child trailer/stroller.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M Boehler whose telephone number is 703-308-0422. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 1/10/05  
Anne Marie M Boehler  
Primary Examiner  
Art Unit 3611

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